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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,943

Applicant(s)

STONE, CHRISTOPHER J.

Examiner

BROCK N. BOSS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

BB

5/3/2008

DETAILED ACTION

Response to Amendment

1. Amendment received on 2/22/2008. **Claims 1, 4, 5, 17, and 33** have been amended.

Response to Arguments

2. Applicant argues “The Examiner asserts Agnihotri et al. teach broadcasting a request from a requesting DVR to a plurality of networked DVRs in paragraphs [0025] and [0029]. Applicant disagrees. Resource sharing server 130 receives the request for available resources. See paragraph [0039] (“When resource sharing server 130 receives a resource availability request ...”). Thus, the request in Agnihotri et al. is unicast from a single DVR to the resource sharing server 130 and not broadcast to a plurality of networked DVRs as presently claimed.”

In response, Applicant’s argument is moot in view of new grounds of rejection based on amendment.

Applicant argues that Marshall only describes forwarding **past** programs already stored on one PVR to another PVR.

In response, Examiner respectfully disagrees and points to the fact that Marshall teaches forwarding both past and future programs that are yet to be recorded (see page 3, paragraph 24). Marshall also teaches tuning from one channel to another based on a request from a peer device (see pages 2-3, paragraph 15).

Applicant argues, “Nowhere in paragraph [0039] is accessibility of a particular channel discussed. Paragraph [0039] describes determining which DVR is available to perform a task based on video playback device.”

Examiner respectfully disagrees because Examiner did not rely on Agnihotri to teach accessibility of a particular channel, but instead Breslauer is relied upon to teach accessibility of a particular channel. Agnihotri determines accessibility based on disk statistics of the other DVR (i.e. VRD). Thereby, acknowledgement is sent in response if access is granted (see page 4, paragraph 43).

Applicant argues, "It appears a single device is determining if access can be granted for a particular piece of content in Breslauer et al.'s... Thus, there is no advising going on from one DVR to another."

In response, Examiner respectfully disagrees. Breslauer is teaching conditional access based on a particular channel or multimedia segment, and Agnihotri is teaching communication between one DVR to another. Modifying Agnihotri with Breslauer's invention would produce a predictable result of advising one DVR to another whether access is granted based on access rights of a particular channel.

Applicant requests Examiner provide support that it is well known in a peer-to-peer sharing network to allow intermediate storage by one device in that network.

In response, Applicant points to the Shteyn (see US Publication 2002/0162109) which teaches a peer-to-peer sharing network to allow intermediate storage by one device in that network.

Applicant asserts, "intermediate storage does not address the problem of not having access to a particular channel."

In response, Examiner asserts that Breslauer teaches the solution to not having access to a particular channel not that it is well known to have storage in a peer-to-peer sharing network.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 17-19, and 33** are rejected under 35 U.S.C. 103(a) as being anticipated by Agnihotri et al. (US Publication Number 2002/0184638 A1) in view of Pessach (US Publication 2005/0080858 A1).

Regarding **claim 1**, Agnihotri discloses a method for providing a multi-device distributed digital video recording system, comprising: broadcasting a request (see Figure 5, element 510) from a requesting digital video recorder (DVR) (see page 3, paragraph 29) to a plurality of networked DVRs (see page 2, paragraph 25) (see also page 3, paragraph 29) seeking resources of a dormant DVR (see pages 2-3, paragraph 37) receiving a response (see page 4, paragraph 43), (see also paragraph 37, in particular “as redundant backups in case a conflict arises after an initial recording task is sent to the second video playback device”) from at least one dormant DVR indicating availability of resources (see paragraph 37, in particular “When available resources are found on a second video playback device, resource sharing controller 370 can transmit a recording task to the second video playback device), (see also paragraph 39); selecting a granting DVR from the at least one dormant DVR with available resources (see page 4, paragraph

39, in particular “When resource sharing server 130 receives a resource availability request from other remote video playback devices, resource sharing server 130 may use the information stored in VPD data files 401, 402, and 403 to determine which video playback devices are able to perform the recording task associated with the resource availability request...” (see also page 4, paragraph 43); establishing a session (see page 4, paragraph 39, “other video playback devices use the network address of video playback device 250 to transmit recording task request to video playback device 250”) between said requesting DVR and said granting DVR (see Figure 5, element 520); providing resources of said granting DVR for use by said requesting DVR (see Figure 5, element 530).

However, Agnihotri does not explicitly disclose receiving a response to the request from at least one dormant DVR in the plurality of networked DVRs indicating availability of resources.

In an analogous art, Pessach discloses broadcasting a request from a requesting digital device seeking resources of another device; And receiving a response to the request from at least one device in a plurality of networked devices indicating availability (see abstract) (see also page 12-13, paragraph 111) (see also page 10, paragraph 95).

It would have been obvious at the time of Applicant’s invention to modify Agnihotri’s invention to include receiving a response to the request from at least one dormant DVR in the plurality of networked DVR’s indicating availability of resources in case the remote DVR would like keep their availability of resources private until a request is made directly to the dormant DVR for the predictable result of allowing subscribers to decide who can know about their availability of resources.

Regarding **claim 2**, Agnihotri et al. and Pessach disclose everything as claimed above (see claim 1). In addition, Agnihotri et al. discloses the method wherein, said resources include at least one of a tuner (see page 1, paragraph 4), (see page 3, paragraph 33) and a storage device (see page 3, paragraph 36).

Regarding **claim 3**, Agnihotri et al. and Pessach disclose everything as claimed above (see claim 1). In addition, Agnihotri et al. discloses the method wherein: said resources comprise a tuner of said granting DVR (see page 1, paragraph 4), (see page 2, paragraph 33); and control of said tuner is turned over to said requesting DVR (see page 1, paragraph 6, in particular “If the second video playback device has resources available, the first video playback device is able to send the second video playback device a recording task that causes the second video playback device to record a television program under the *control* of the first video playback device”).

Regarding **claim 17**, Agnihotri et al. discloses a multi-device distributed digital video recording system, comprising: a plurality of networked digital video recorders; a requesting digital video recorder (DVR) (see page 3, paragraph 29) capable of broadcasting a request to said plurality of networked DVRs (see page 2, paragraph 25) (see also page 3, paragraph 29) seeking resources of a dormant DVR (see pages 2-3, paragraph 37); at least one dormant DVR capable of providing a response to said requesting DVR indicating availability of resources (see paragraph 37, it particular “When available resources are found on a second video playback device, resource sharing controller 370 can transmit a recording task to the second video playback device), (see also paragraph 39); wherein: said requesting DVR selects a granting DVR from the at least one dormant DVR with available resources resources (see page 4, paragraph 39) a

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session is established (see page 4, paragraph 39, "other video playback devices use the network address of video playback device 250 to transmit recording task request to video playback device 250") between said requesting DVR and said granting DVR (see Figure 5, element 520); and resources of said granting DVR are made available for use by said requesting DVR (see Figure 5, element 530).

However, Agnihotri does not explicitly disclose receiving a response to the request from at least one dormant DVR in the plurality of networked DVRs indicating availability of resources.

In an analogous art, Pessach discloses broadcasting a request from a requesting digital device seeking resources of another device; And receiving a response to the request from at least one device in a plurality of networked devices indicating availability (see abstract) (see also page 12-13, paragraph 111) (see also page 10, paragraph 95).

It would have been obvious at the time of Applicant's invention to modify Agnihotri's invention to include receiving a response to the request from at least one dormant DVR in the plurality of networked DVR's indicating availability of resources in case the remote DVR would like keep their availability of resources private until a request is made directly to the dormant DVR for the predictable result of allowing subscribers to decide who can know about their availability of resources.

Regarding **claim 18**, Agnihotri et al. and Pessach disclose everything as claimed above (see claim 17). In addition, Agnihotri et al. discloses the system, wherein said resources include at least one of a tuner (see page 1, paragraph 4), (see page 3, paragraph 33) and a storage device (see page 3, paragraph 36).

Regarding **claim 19**, Agnihotri et al. discloses everything as claimed above (see

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claim 17). In addition, Agnihotri et al. discloses the system, wherein: said resources comprise a tuner of said granting DVR (see page 1, paragraph 4), (see page 2, paragraph 33); and control of said tuner is turned over to said requesting DVR (see page 1, paragraph 6, in particular “If the second video playback device has resources available, the first video playback device is able to send the second video playback device a recording task that causes the second video playback device to record a television program under the *control* of the first video playback device”).

Regarding **claim 33**, Agnihotri et al. discloses A digital video recorder (DVR) (see page 3, paragraph 29) for use in a multi-device distributed digital video recording system, comprising: at least one tuner (see page 1, paragraph 4), (see page 3, paragraph 33); at least one storage device (see page 3, paragraph 36); a processor enabled for at least one of: (a) broadcasting a request (see Figure 5, element 510) to a plurality of networked DVRs (see page 2, paragraph 25) (see also page 3, paragraph 29) seeking resources of a dormant DVR (see pages 2-3, paragraph 37); receiving a response from at least one dormant DVR indicating availability of resources (see paragraph 37, it particular “When available resources are found on a second video playback device, resource sharing controller 370 can transmit a recording task to the second video playback device), (see also paragraph 39); selecting a granting DVR from the at least one dormant DVRs with available resources (see pages 2-3, paragraph 37); establishing a session with said granting DVR (see page 4, paragraph 39, in particular “When resource sharing server 130 receives a resource availability request from other remote video playback devices, resource sharing server 130 may use the information stored in VPD data files 401, 402, and 403 to determine which video playback devices are able to

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perform the recording task associated with the resource availability request..."); and utilizing resources of said granting DVR; and (b) receiving a broadcast request from a requesting DVR seeking available resources; responding to said requesting DVR regarding availability of resources (see Figure 5, element 520); if resources are available and if selected by said requesting DVR (see Figure 5, element 530), establishing a session with said requesting DVR (see page 4, paragraph 39, "other video playback devices use the network address of video playback device 250 to transmit recording task request to video playback device 250"); and providing resources for use by said requesting DVR (see Figure 5, element 520).

However, Agnihotri does not explicitly disclose receiving a response to the request from at least one dormant DVR in the plurality of networked DVRs indicating availability of resources.

In an analogous art, Pessach discloses broadcasting a request from a requesting digital device seeking resources of another device; And receiving a response to the request from at least one device in a plurality of networked devices indicating availability (see abstract) (see also page 12-13, paragraph 111) (see also page 10, paragraph 95).

It would have been obvious at the time of Applicant's invention to modify Agnihotri's invention to include receiving a response to the request from at least one dormant DVR in the plurality of networked DVR's indicating availability of resources in case the remote DVR would like keep their availability of resources private until a request in made directly to the dormant DVR for the predictable result of allowing subscribers to decide who can know about their availability of resources.

5. **Claims 4, 6-16, 20, and 22-32** are rejected under 35 U.S.C. 103(a) as being anticipated by Agnihotri et al. (Publication Number US 2002/0184638) in view of Pessach (US Publication 2005/0080858 A1) in view of Marshall et al. (Publication Number US 2003/0237097).

Regarding **claim 4**, Agnihotri et al. and Pessach disclose everything as claimed above (see claim 1). Agnihotri et al. discloses a requesting DVR sending a recording task to a granting DVR (see page 4, paragraph 41) and each DVR capable of receiving commands to tune to a specific channel (see page 3, paragraph 30). However, Agnihotri et al. does not disclose explicitly requesting that said granting DVR tune to a particular channel and record designated content from said channel; and storing said designated content at said granting DVR for use by said requesting DVR.

In an analogous art, Marshall et al. discloses a granting DVR to tune to a particular channel and record designated content from said channel (see page 2-3, paragraph 15); and storing (see Figure 6, element 608) said designated content at said granting DVR (see page 3, paragraph 30).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to modify Agnihotri et al.'s invention of a requesting DVR requesting resources from a granting DVR to include the ability for the granting DVR to tune to a particular channel which contains the requested content from the requesting DVR, record designated content, and store designated content at the granting DVR that can later be used by the requesting DVR for the predictable result of acquiring a requested program which is only possible to retrieve if the granting DVR tunes to the particular channel which is presenting the particular program.

Regarding **claim 6**, Agnihotri et al., Pessach, and Marshall et al. disclose everything as claimed above (see claim 4). In addition, Marshall et al discloses a method wherein; a fee is charged to the requesting DVR for the designated content (see page 1, paragraphs 12 and 16).

Regarding **claim 7**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Marshall et al. discloses a method further comprising: tagging the recorded designated content as being owned by said requesting DVR (see page 2, paragraph 17).

Regarding **claim 8**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 7). In addition, Marshall et al. discloses a method, further comprising: encrypting the recorded designated content with an encryption key known to said requesting DVR (see page 2, paragraph 17).

Regarding **claim 9**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 8). In addition, Marshall et al. discloses a method, further comprising: making said encrypted recorded designated content available to said granting DVR (see page 2, paragraph 17).

Regarding **claim 10**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 9). In addition Marshall et al. discloses the method; wherein said encrypted designated content is made available to said granting DVR for a fee (see page 2, paragraphs 16 and 17).

Regarding **claim 11** Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Agnihotri et al discloses a method, further comprising: requesting access to said stored designated content by said

requesting DVR (see page 4, paragraph 44); and uploading the stored designated content from the granting DVR to said requesting DVR (see Figure 5, element 530).

Regarding **claim 12**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Agnihotri et al. discloses a method, further comprising: requesting access to said stored designated content by said requesting DVR (see page 4, paragraph 44); and streaming the stored designated content from the granting DVR to said requesting DVR (see Figure 5, element 530).

Regarding **claim 13**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 12). In addition, Agnihotri et al. discloses a method, further comprising: controlling presentation of said streamed designated content (see page 3, paragraph 34) utilizing a command and control channel (i.e. internet) to send commands from said requesting DVR to said granting DVR (see page 1, paragraph 6).

Regarding **claim 14**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 13). In addition, Agnihotri et al. discloses a method wherein commands comprise at least one of play, stop, pause, fast forward, rewind, skip, and jump (see page 3, paragraph 30).

However, Agnihotri nor Marshall disclose where said commands comprise at least one of play, stop, pause, fast forward, rewind, skip, and jump (see page 3, paragraph 30).

In an analogous art, Sie discloses a recorder controlling another remote recorder with commands for play, stop, pause, fast forward, rewind (see column 10, lines 6-24)

It would have been obvious for one of ordinary skill in the art at the time of Applicant's invention to modify Agnihotri in view of Marshall in include commands

from the requesting DVR for controlling a granting DVR for the predictable result of allowing a user to watch a recording from another DVR without using their own storage and enabling controlling commands such as rewind and fast forward to increase user functionality with the invention and allow the user to control how they wish to view the program as if it were on their own DVR.

Regarding **claim 15**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Agnihotri et al. discloses a method, further comprising: automatically forwarding said stored designated content to a storage device at said requesting DVR (see Figure 5) (see also paragraph 16).

Regarding **claim 16**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Agnihotri et al. discloses a method, further comprising: routing said request for resources through a system operator (see page 3, paragraph 37); wherein multiple requests for identical designated content from multiple requesting DVRs are handled by a single granting DVR (see page 4, paragraph 41).

Regarding **claim 20**, Agnihotri et al. discloses everything as claimed above (see claim 17). In addition, Agnihotri discloses the system wherein advising the requesting DVR that said access is not available (see page 4, paragraph 39). However, Agnihotri et al. does not disclose the method wherein said granting DVR does not have access to the particular channel, and said granting DVR stores said designated content for use by said requesting DVR.

In an analogous art, Marshall et al. discloses a granting DVR to tune to a particular channel and record designated content from said channel (see page 2-3,

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paragraph 16); and storing (see Figure 6, element 608) said designated content at said granting DVR (see page 3, paragraph 30) for use by said requesting DVR. Therefore, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to modify Agnihotri et al.'s invention of a requesting DVR requesting resources from a granting DVR to include the ability for the granting DVR to tune to a particular channel which contains the requested content from the requesting DVR, record designated content, and store designated content at the granting DVR that can later be used by the requesting DVR.

Regarding **claim 22**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al discloses the system wherein: a fee is charged to the requesting DVR for the designated content (see page 1, paragraphs 12 and 16).

Regarding **claim 23**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al. discloses the system, wherein: said granting DVR tags the recorded designated content as being owned by said requesting DVR (see page 2, paragraph 17).

Regarding **claim 24**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 23). In addition, Marshall et al. discloses the system, wherein: said granting DVR encrypts the recorded designated content with an encryption key known to said requesting DVR (see page 2, paragraph 17).

Regarding **claim 25**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 24). In addition, Marshall et al. discloses the system, wherein: said encrypted recorded designated content is made available to said

granting DVR (see page 2, paragraph 17).

Regarding **claim 26**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 25). In addition, Marshall et al. discloses the system, wherein: said encrypted designated content is made available to said granting DVR for a fee (see page 2, paragraphs 16 and 17).

Regarding **claim 27**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al. discloses the system, wherein: said requesting DVR requests access to said stored designated content (see page 4, paragraph 44); and the stored designated content is uploaded from the granting DVR to said requesting DVR (see Figure 5, element 530).

Regarding **claim 28**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al. discloses the system, wherein: said requesting DVR requests access to said stored designated content (see page 4, paragraph 44); and the stored designated content is streamed from the granting DVR to said requesting DVR (see Figure 5, element 530).

Regarding **claim 29**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 28). In addition, Marshall et al. discloses the system, wherein: said requesting DVR controls presentation of said streamed designated content (see page 3, paragraph 34) utilizing a command and control channel (i.e. internet) to send commands to said granting DVR (see page 1, paragraph 6).

Regarding **claim 30**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 29). In addition, Marshall et al. discloses the system, wherein: said commands comprise at least one of play, stop, pause, fast forward,

rewind, skip, and jump (see page 3, paragraph 30).

Regarding **claim 31**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al. discloses the system, wherein: said granting DVR automatically forwards said stored designated content to a storage device at said requesting DVR (see Figure 5) (see also paragraph 16).

Regarding **claim 32**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Marshall et al. discloses the system, wherein: said request for resources is routed through a system operator; and multiple requests for identical designated content from multiple requesting DVRs are handled by a single granting DVR (see page 4, paragraph 41).

6. **Claims 5 and 21** is rejected under 35 U.S.C. 103(a) as being anticipated by Agnihotri et al. (Publication Number US 2002/0184638) in view of Pessach (US Publication 2005/0080858 A1) in view of Marshall et al. (Publication Number US 2003/0237097) and in view of Breslauer et al. (US Patent Number 6,637,027 B1).

Regarding **claim 5**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 4). In addition, Agnihotri discloses the method wherein advising the requesting DVR that said access is not available (see page 4, paragraph 39).

However, neither Agnihotri et al. nor Marshall et al. disclose the method wherein said granting DVR does not have access to the particular channel, further comprising: advising the requesting DVR that said access is not available; requesting access to the particular channel by the requesting DVR on behalf of the granting DVR.

In an analogous art, Breslauer discloses a method wherein said granting DVR (i.e. set-top box with record feature) does not have access to the particular channel; further comprising: advising a DVR that said access is not available (see column 9, lines 57-63); requesting access to the particular channel (see column 8, lines 20-28) (see column 10, lines 18-50, in particular “Conditional Access provider may correspond to a premium channel”)

Therefore, it would have been obvious to one having ordinary skill in the art, at the time of applicant’s invention, to modify Agnihotri et al.’s invention in view of Marshall et al. invention to notify the said requesting DVR if the granting DVR does not have access, and allowing a request for access to a particular channel on behalf of the granting DVR, because it is a common technique to deny a DVR or set-top box access to on-demand channels and by allowing the granting DVR access to the requested channel, the DVR perform the predictable result acting as a hub or intermediate storage device for the requesting DVR. It is well known in the art that applying a technique of peer-to-peer sharing with an intermediate storage provided by a peer could be applied to various sorts of networks, in particular, a cable network. It also would have been obvious to one of ordinary skill in the art to modify Agnihotri in view of Marshall to include advising the requesting DVR that said access to the particular channel is not available because sometimes access is not granted based on channels instead of programming segment, as in Breslauer, to inform the requesting DVR user that access to a premium service is not available for the predictable result of prevent theft of services.

Regarding **claim 21**, Agnihotri et al., Pessach, and Marshall et al. discloses everything as claimed above (see claim 20). In addition, Agnhotri discloses the system

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wherein advising the requesting DVR that said access is not available (see page 4, paragraph 39). However, neither Agnihotri et al. nor Marshall et al. disclose the method wherein said granting DVR does not have access to the particular channel, further comprising: advising the requesting DVR that said access is not available; requesting access to the particular channel by the requesting DVR on behalf of the granting DVR.

In an analogous art, Breslauer discloses a system wherein said granting DVR (i.e. set-top box with record feature) does not have access to the particular channel; further comprising: advising a DVR that said access is not available (see column 9, lines 57-63); requesting access to the particular channel (see column 8, lines 20-28)

Therefore, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to modify Agnihotri et al.'s invention in view of Marshall et al.'s invention to notify the said requesting DVR if the granting DVR does not have access, and allowing a request for access to a particular channel on behalf of the granting DVR, because it is a common technique to deny a DVR or set-top box access to on-demand channels and by allowing the granting DVR access to the requested channel, the DVR perform the predictable result acting as a hub or intermediate storage device for the requesting DVR. It is well known in the art that applying a technique of peer-to-peer sharing with an intermediate storage provided by a peer could be applied to various sorts of networks, in particular, a cable network.

CONCLUSION

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brock N. Boss whose telephone number is (571) 270-1660. The examiner can normally be reached on Monday-Thursday 9:30-7:30 Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BB

5/1/2008

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623